



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/505,383

08/20/2004

Peter J Dronzek JR.

181-039

7142

7590 04/23/2008  
James V Costigan  
Hedman & Costigan  
1185 Avenue of the Americas  
New York, NY 10036-2601

EXAMINER

NORDMEYER, PATRICIA L

ART UNIT

PAPER NUMBER

1794

MAIL DATE

DELIVERY MODE

04/23/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/505,383	<b>Applicant(s)</b> DRONZEK ET AL.	
	<b>Examiner</b> Patricia L. Nordmeyer	<b>Art Unit</b> 1794	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-15, 17-26, 28-37, 39-48, 50-59, 61-70, 72, 81 and 83-97 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-15, 17-26, 28-37, 39-48, 50-59, 61-70, 72, 81 and 83-97 is/are rejected.
- 7) ☒ Claim(s) 6, 17, 28, 40, 50, 61, 72 and 83 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2/26/08</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Withdrawn Rejections***

1. Any rejections and or objections, made in the previous Office Action, and not repeated below, are hereby withdrawn.

### ***Repeated Rejections***

2. The obvious type double rejection of claims 1-4, 6-15, 17-26, 28-37, 39-48, 50-59, 61-70, 72, 81 and 83-97 over claims 1 – 53 of copending Application No. 10505,392 in the office action dated February 7, 2007 is repeated for the reasons previously made of record.

### ***Claim Objections***

3. Claims 6, 17, 28, 40, 50, 61, 72 and 83 are objected to because of the following informalities: They are dependent on cancelled claims. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-4, 6-15, 17-26, 28-37, 39-48, 50-59, 61-70, 72, 81, 83-88 and 97 are rejected under 35 U.S.C. 103(a) as being unpatentable over Egan (USPN 4,544,590) in view of Kobe et al. (USPN 6,780,484).

Art Unit: 1794

Egan (for claims 1, 12, 24, 34, 45, 56, 67, 78, 97) relates to an article of manufacture (figure-6) comprising a first support layer of film (1+2) with a permanent bond interface with adhesive (19), a second thin film (13) is adhesively secured to the lower surface of the first film at the permanent adhesive bond but having a separable interface between the adhesive and the release coat of film (13), and a third substrate (33) is laminated to the upper surface of the first layer with adhesive (37). As shown in figure-9, the article is a die-cut segment (47) wherein in the die-cut extends through all the layers except for film (13). The removable die-cut segment is provided with a selective variable adhesion through variable surface treatment (figure-21, wherein the release coat is provided in a discontinuous pattern) of the upper surface of film (13) such that the adhesion at the separable interface (between the release liner and the adhesive) is always less than the adhesion at the permanent interface between the adhesive and the film (1+2). This discontinuous pattern is formed by applying no surface treatment in some areas and surface treatment in other areas (as shown in figure-19-21 of Egan, the surface includes treated and non-treated areas for forming a variable adhesion, col. 9, lines 35-42 and 51-61, and col. 10, lines 1-5). For claims 2, 13, 24, 35, 46, 57, 68, 79, the treated area extends under the removable area defined by the die-cut as shown in figure-21. For claims 3, 14, 25, 36, 47, 58, 69, 80, the film layer is polyester and is about 0.5 mils thick (col. 6, lines 1-10). As for claims 4, 15, 26, 37, 48, 59, 70, 81, the substrate layer can be of paper stock of 40-, 50-, or 60-pound weight (col. 6, lines 50-55). For claims 7-10, 18-21, 29-32, 40-43, 51-54, 62-65, 73-76, 84-87, figure-21 shows that the area treated can be at least 10% but less than 90% and is of a geometric pattern such as a polygon. The intended use phrases such as “for providing”, etc. and “optional” phrases have not been given any patentable weight because said phrases are found to be of positive limitations.

Art Unit: 1794

Claims 11, 22, 33, 44, 55, 66, 77, 88, are directed to a surface treatment condition in the process of making the product and has not been given any patentable weight because said process condition is not germane to the issue of patentability of the product itself. However, Egan fails to disclose that the surface of the release liner film (13) is treated by flame treatment.

Kobe et al. teach a release liner that has been flame treated to a dyne level of greater than 50 (col.18, 24-27) prior to silicone release coating. The treatment provides for stronger adhesion between the release coating and the liner.

Therefore, it would have been obvious to one having ordinary skill in the art to utilize Kobe's teaching of using a flame treated release liner surface in the invention of Egan with the motivation to provide for enhanced adhesion of the coating to the liner.

6. Claims 89 – 96 are rejected under 35 U.S.C. 103(a) as being unpatentable over Egan (USPN 4,544,590) in view of Kobe et al. (USPN 6,780,484) as applied to claims 1-4, 6-15, 17-26, 28-37, 39-48, 50-59, 61-70, 72, 81, 83-88 and 97 above, and further in view of Grabau et al. (USPN 7,045,186).

Egan, as modified with Kobe et al., fails to teach a radio frequency transmitter in at least one of the article elements.

Grabau et al. teach a label with a radio frequency transmitter in at least one of the elements of the label (abstract). Therefore, it would have been obvious to one having ordinary

Art Unit: 1794

skill in the art to utilize Grabau's teaching of using radio frequency transmitter in a label in the invention of Egan with the motivation to provide for security and concern.

***Response to Arguments***

7. Applicant's arguments filed February 26, 2008 have been fully considered but they are not persuasive.

8. In response to Applicant's argument that Egan does not make obvious the use of physical means that will increase adhesion in making a releasable element in a die cut laminate and Kobe et al. do not disclose the concept of selective flame treatment, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Egan discloses that the removable die-cut segment is provided with a selective variable adhesion through variable surface treatment (figure-21, wherein the release coat is provided in a discontinuous pattern) of the upper surface of film (13) such that the adhesion at the separable interface (between the release liner and the adhesive) is always less than the adhesion at the permanent interface between the adhesive and the film (1+2). This discontinuous pattern is formed by applying no surface treatment in some areas and surface treatment in other areas (as shown in figure-19-21 of Egan, the surface includes treated and non-treated areas for forming a variable adhesion, col. 9, lines 35-42 and 51-61, and col. 10, lines 1-5). Therefore, Egan discloses that is obvious to one of ordinary skill in the art to selectively treat a surface, thereby affecting the adhesion between the layers. Kobe et al. teach a

Art Unit: 1794

release liner that has been flame treated to a dyne level of greater than 50 (col.18, 24-27) prior to silicone release coating. The treatment provides for stronger adhesion between the release coating and the liner. It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have selectively treated the surface of Egan with flame treatment to provide stronger adhesion between the release coating and the liner.

### ***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L. Nordmeyer whose telephone number is (571)272-1496. The examiner can normally be reached on Mon.-Thurs. from 10:00-7:30 & alternate Fridays.

Art Unit: 1794

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena L. Dye can be reached on (571) 272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Patricia L. Nordmeyer  
Primary Examiner  
Art Unit 1794

/Patricia L. Nordmeyer/  
Primary Examiner, Art Unit 1794